

REMARKS

Applicant acknowledges that the Examiner has withdrawn the rejections set forth in the April 2, 2004 Office Action.

Applicant thanks the Examiner for conducting a telephone interview with Applicant's representative on October 1, 2004. The following represents Applicant's statement of substance of the interview.

In the interview, Applicant's representative requested clarification as to the 35 U.S.C. § 112 rejection of claims 2-3 and 7-15 in the currently pending Office Action (see below). The Examiner explained that he could not find the specific terms "first gap" and "second gap" in the specification as filed, and thus did not fully understand the claim amendments.

Applicant's representative indicated his belief that there is no requirement that the phrases "first gap" and "second gap" be specifically listed in the Application, and directed the Examiner to where, in the Figures of the Application, portions that could be considered such first and second gaps were located (for example, gaps 17 in Figure 3b).

After the discussion, the Examiner indicated that he better understood the claim amendments, and that he will withdraw the 35 U.S.C. § 112 rejection in view of a proper response.

Status of the Application

Claims 1-16 are currently pending in this Application. Claim 1 stands objected to, and claims 2, 3 and 7-15 stand rejected. The Examiner has not otherwise addressed claims 4-6 and 16, nor has indicated whether the rejected claims are allowable over the prior art of record.

Claim Objections

The Examiner has objected to claim 1 due to an alleged informality. The alleged informality noted by the Examiner has been changed as the Examiner has requested. Thus, withdrawal of this objection is respectfully requested.

Enablement Rejection

As discussed above, the Examiner has rejected claims 2, 3 and 7-15 under 35 U.S.C. § 112, first paragraph, as allegedly “containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.”

Applicants respectfully submit that the Examiner’s rejection is improper, for at least the following reasons:

- (1) Claims 2, 3 and 7-15 are clearly supported by the Application as filed, for at least the reasons discussed during the telephone interview and repeated above;
- (2) The Examiner has not formulated a proper rejection, as he is required to provide specific reasons (and not simply quote portions of the claims) why a person skilled in the art at the time of the invention would not have recognized that the inventor was in possession of the claimed invention (MPEP 2163(III)(A)); and
- (3) The Examiner has not indicated whether these claims are allowable (or otherwise rejected) in view of the prior art (MPEP 2163(III)).

In view of the above, Applicant respectfully requests the withdrawal of the current claim rejection.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-16 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-16.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln. No.: 10/659,379

Attorney Docket # Q77402

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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